UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.45/1995/2
4 April 1995

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Working Group on the Right
to Development
Fourth session
15-26 May 1995

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1994/21

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	2
REPLIES RECEIVED FROM GOVERNMENTS	4 - 58	3
Jordan	4 - 18	3
Senegal	19 - 28	5
Sweden	29 - 41	6
Zimbabwe	42 - 58	9

Introduction

1. In its resolution 1994/21 of 1 March 1994, the Commission on Human Rights, having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1), requested the Secretary-General to invite Governments, international financial institutions, regional economic commissions, relevant bodies and organizations of the United Nations system and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list contained in annex I to the report of the Working Group.

2. Pursuant to this request, the Secretary-General, on 26 April 1994, addressed a note verbale to Governments and a letter to United Nations bodies and specialized agencies, to intergovernmental and non-governmental organizations transmitting the text of Commission resolution 1994/21, as well as the guidelines and check-list prepared by the Working Group.

3. The present report is based on the additional information which was received from Governments by 17 March 1995 and should be seen as complementary to the report which was prepared on the basis of information received from Governments by 30 August 1994 (E/CN.4/AC.45/1994/4).

REPLIES RECEIVED FROM GOVERNMENTS

JORDAN

National policies and programmes

4. Jordan undertook the obligation to become a model to be emulated in political reform, democratic approach and respect for human rights. In a parallel manner, it aims at becoming a model for economic and social reform and development. Accordingly, through the various means provided, the entire citizenry from the base upwards is to participate in the efforts needed to achieve this, especially when the benefits would accrue to them all.

5. A pledge was made that there is no turning back from the commitment of directing and utilizing all public and private sector efforts to provide all citizens with basic services, create conditions conducive to sustainable growth, raise the standards of living, improve the quality of life and achieve equity in the distribution of development gains among all social groups and regions.

6. The human being is the principal component of the development process as well as its object and goal. In Jordan's current five-year Economic and Social Development Plan (1993-1997), the Government pays special attention to the social dimension and considers it essential to the success of economic development. Priority is given to the alleviation of poverty and unemployment plus the provision of basic social services and their equitable distribution amongst the various regions.

7. It is evident that, in the implementation of the various policies present in the Kingdom's current five-year plan, the Government gives priority to carrying out the Declaration on the Right to Development. Several economic and social policies have been identified and introduced relating to investment, social infrastructure and other sectors. Mechanisms are being set up to enable the Government to take a leading role in areas of its primary concern. However, where the private sector can take a leading role, only regulation and guidance shall be provided.

8. Provision and improvement of health, education and housing facilities is the main objective of social policies. Infrastructure provisions are planned in a way that by 1997, 100 per cent of the population would enjoy electricity and fresh water supplies while 65 per cent of waste-water and sewage treatment needs would be covered.

9. Recently, a general review of education (vocational, primary and higher) has taken place in order to develop it to cover the needs of the future labour market. Emphasis is placed on creating small and medium enterprises and light industries, as well as providing the necessary training and retraining facilities.

10. Dissemination of the Declaration among the general public as well as national institutions takes place through direct and indirect means, including the various media channels available, especially as the Declaration is encompassed in the Kingdom's executive objectives approach to the future.

11. It is hoped that popular participation through the various working groups and charities in the public and private sectors respectively would help achieve the Declaration's objectives. The Government, for its part, is making available all assistance possible to simplify and facilitate this.

12. Programmes and policies in Jordan apply equally to all with no discrimination as to race, gender, religion or colour. Equal opportunities and equality under the rule of law are rights enshrined in the Constitution. Hence, women enjoy equal rights in terms of political and civil liberties, voting, education, employment, social security and health insurance.

13. Minorities equally enjoy all of the above rights. However, special arrangements ensure their adequate representation in Parliament, pursuing their own traditions and teaching their language and religion in special schools. This has been an ongoing policy since the formation of the Kingdom.

14. The Government has given special and pertinacious attention to the vulnerable groups such as the poverty-stricken or handicapped members of society. Provision of all the needed social and educational services is an ongoing process which is being implemented. Aid and assistance are continuously given to the needy whilst special income-generating projects are always being developed to help improve the quality of life and provide for a decent standard of living.

15. Many institutions are either directly or indirectly involved in development policies and programmes, and are thus given responsibilities in the realization of the right to development. The Ministry of Planning is responsible for coordinating, managing and distributing aid in all its forms, with the exception of military aid. Other ministries play specialized roles whilst many NGOs, such as the Queen Alia Fund for Development and Social Services and the Queen Noor Foundation, work directly with society's grass roots.

16. However, many obstacles have been encountered when attempting to implement and realize the Declaration. Like many developing countries, Jordan suffers from a large debt (foreign and domestic) and debt service burden. Therefore, many of the country's scarce resources have to be divided between repaying its debts and developing the society. Jordan has a competitive advantage where its skilled and qualified labour force is concerned. However, regional markets have been closed since the 1990 Gulf war. This has greatly affected the Jordanian economy, especially as unemployment increased and remittances were reduced. As a policy, government expenditures must be contained in order to apply the country's economic adjustment programme, but other sources of finance must be encouraged to provide for the necessary injections in the system.

Development cooperation

17. The right to development is an integral part of all policies. Development cooperation attempts to promote this in a practical manner. The introduction of aid coordination and management of projects will avoid waste of resources and duplication of efforts.

International and regional programmes

18. Specialized departments in the Government and relevant NGOs provide the essential administrative framework needed to implement the right to development in the programmes of their institutions, especially those concerned with social and economic development. Positive impacts are sought in the current five-year plan which outlines Jordan's future approach to development. Respect and achievement of human rights is now an obligation that H.M. King Hussein has undertaken. Mechanisms to implement this promptly are being introduced at all levels and forums. Assessment of progress and achievement of the right to development can only be seen when sustainable growth, living conditions and quality of life are measurably better. This can at least be reflected in the per capita income figures, lower death rates of different age groups, higher literacy and higher educational rates, high employment levels, a strong and competitive economy and lower crime levels.

SENEGAL

19. Without making explicit reference to the Declaration on the Right to Development, the Senegalese Government has in its 8th Development Plan selected a number of Domaines d'Actions Prioritaires (DAP) (Priorities for Action), all of which aim to contribute to promoting the right to development based on achieving the key objectives of the Senegalese social plan, namely: "the provision of employment, water and food, primary education, liberty and culture for all". For these purposes, we can cite the following DAPs:

- DAP No. 11: reinforcing public-spiritedness and furthering the implementation of democratic principles and respect for ethics in public life;

- DAP No. 12: generating new forms of solidarity and social cohesion and aiming for a fairer and more efficient distribution of adjustment efforts;

- DAP No. 15: making literacy and schooling more widely available by involving local communities;

- DAP No. 16: promoting all forms of cultural production and means of expression; promoting and encouraging a deeper sense of national cultural identity;

- DAP No. 18: structuring the urban and rural environment (especially through measures aimed at improving living conditions by extending public services);

- DAP No. 21: putting the population policy into action (notably by preserving the integrity of the family unit and reasserting its value, supporting youth groups and promoting and improving family planning).

20. Based upon these DAPs, projects are selected to enable our objectives in relation to the right to development to be achieved.

21. With respect to these objectives, the Government has since 1991 been implementing a vast five-year "Model Project" named the Project for Human Resource Development (PDRH I) which covers the population and health sectors. PDRH II is another "Model Project" covering the education sector. These two PDRHs are realized with the support of donors. With further donor support, Senegal intends in the near future to implement a national anti-poverty programme.

22. Despite all these efforts, however, numerous obstacles prevent the objectives in relation to the right to development from being achieved. At the international level, these obstacles include unfair trade and the burden of debt servicing.

23. In their trade relations with the rest of the world, developing countries (including Senegal) are victims of a system of price-setting which penalizes their goods. As a result, export earnings are low, forcing these countries into debt in order to function adequately.

24. In view of their sizeable debt, these developing countries, including Senegal, nowadays have considerable debt-servicing obligations, and this deprives them of resources which could have been used for implementing social and human development projects and programmes.

25. The obstacles at the national level are adjustment policies, natural disasters and the problems of selecting projects.

26. Even though adjustment policies do occasionally bring about economic improvement, they have not significantly favoured growth and far-reaching restructuring. This has further contributed to heightening inequalities and imbalances in the employment market, only enhancing poverty and destitution.

27. The Senegalese economy is dominated by the agricultural sector. Over 70 per cent of the population earn their living from this activity, which either boosts or impedes the dynamism of nearly every other sector of activity. Natural disasters have, however, retarded Senegal's development these last few years: there have been frequent droughts and attacks of pests which have had a serious impact on farmers and on the economy as a whole. As a result, resources become limited and a highly selective approach has to be taken to projects.

28. Given the scarcity of resources, projects which are immediately productive (promoting growth) do tend to be given priority, and this represents a serious obstacle to the implementation of Commission on Human Rights resolution 1993/22, and particularly its paragraph 7.

SWEDEN

29. The right to development in itself embodies the indivisibility of human rights. The right to development highlights the need for each State to ensure respect for all human rights and fundamental freedoms: civil and political, as well as economic, social and cultural. This is a responsibility which devolves from the State to each individual. Indeed, as reaffirmed in the Vienna Declaration and Programme of Action, the human person is the very

subject of development. At the same time, the right to development shows how important international cooperation is to the fulfilment, worldwide, of human rights. Parallel to the need for national policies to provide individuals with their right to development, there is thus an international dimension which should focus on cooperative efforts to improve the implementation of human rights.

30. Roughly following the structure provided by the check-list elaborated by the working group in the note distributed on this subject, the following briefly outlines the Swedish view on the right to development, at the national level and as a part of international development cooperation.

31. The protection of human rights in Sweden aims at ensuring the right of each individual to his or her development. National human rights policy incorporates several elements. The basis is the recognition of universal human rights norms, inter alia through the ratification of international human rights instruments and the implementation of these norms in national legislation. It is fundamental to our human rights policy that rights be enjoyed without discrimination. The right to development also includes a right to participation - both at the local and national level, people must find it possible to participate in and to influence public life. The existence of a strong and independent civil society is an important element in building and sustaining democracy.

32. Sweden has ratified the main international and European human rights instruments. Before ratifying a human rights treaty, care is taken to ensure that national legislation guarantees the rights enshrined in the treaty.

33. Inherent in the protection of human rights is a duty to ensure that individuals have recourse to the necessary remedies in cases where they feel that their rights have been violated. Such remedies include both a right to appeal judgements and decisions at the national level, and the option of lodging a complaint with international supervisory organs. Sweden has accepted the jurisdiction of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the European Commission and Court of Human Rights to receive complaints relating to the protection of human rights in Sweden. Thus, international supervision can supplement national institutions in ensuring the full enjoyment of human rights by all.

34. Sweden also attaches great importance to the supervisory functions exercised by the different treaty bodies. The monitoring role of the treaty bodies is of crucial importance to the integrity of the human rights system. Sweden recently defended its eleventh report to the Committee on the Elimination of Racial Discrimination.

35. It is essential that people feel their right to development to be a reality. Participation by individuals and groups in public life is essential in this regard. Great emphasis has been placed in Sweden on the equal enjoyment by women of human rights, and on their full participation at every level of the political and economic process. The parliamentary election held on 18 September 1994 resulted in the election of a parliament over 40 per cent of whom are women, a globally unprecedented figure.

36. It is equally important to ensure the participation of minorities in public life. The establishment of and powers given to the Saami Parliament, which was inaugurated in September last year, were an important step in promoting the right of the Saami, an indigenous people in Sweden, to development.

37. Ensuring the promotion and protection of the right to development, just as every human right, is important to Swedish development cooperation policy. Promoting and protecting human rights is an essential part of each country's development process. While development cooperation cannot replace the political will to respect human rights, it can, when responding to the necessary commitment, assist in improving the capacity of the State to guarantee human rights and to build democracy.

38. The debate has often focused on whether it can be justified to attach different priorities to respecting human rights on the one hand and efforts to achieve development on the other. However, development and respect for human rights are not conflicting objectives. Sweden strongly believes the opposite to be the case. Advancement in one area will enhance progress in the other. Indeed, the right to development reflects the necessary relationship between development, democracy and human rights. The general economic and social development of a nation is likely to enhance the capacity of the State to take the necessary steps for the fulfilment of the specific obligations laid down in international instruments on human rights. However, as rightly affirmed by the World Conference on Human Rights, the lack of development may not be invoked to justify the abridgment of internationally recognized human rights.

39. In this context, increased attention should be paid to the question of how to strengthen the necessary capacity of the State to uphold human rights and fundamental freedoms. The attainment of economic, social and cultural rights will depend on available resources and the use of such resources. While the obligation to implement and respect human rights lies clearly with the individual States, the international community will need to take responsive action in assisting States to fulfil their obligations, where needed. The Swedish Government is currently involved in a number of such activities. During 1993-1994, the budget for international cooperation in the field of human rights and democracy amounted to SKr 732 million, and covered 571 projects. Approximately 95 per cent of these funds were channelled through Swedish and international NGOs. Great importance is also attached to assistance to promote democracy and human rights within the framework of Swedish cooperation with Central and Eastern Europe.

40. Important assistance is provided within the United Nations system. The Centre for Human Rights has provided valuable advisory services to numerous countries. States should be encouraged to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Human rights components of the development cooperation schemes of relevant specialized agencies and other intergovernmental bodies are to be welcomed. Human rights standards thus form part of the basis on which development programmes can be planned, implemented and evaluated.

41. The World Conference on Human Rights affirmed that democracy, development and respect for human rights are interdependent and mutually reinforcing. A climate where the will of the people and all human rights are respected will have a positive influence on the development process in any country. As stated in the Agenda for Development, in the absence of democracy, development will remain fragile. National and international action to ensure the protection of the right to development is necessary. We feel convinced that the Working Group will make an important contribution to enhancing global respect for this right through elaborating on the relationship between development, democracy and the human rights of each human being.

ZIMBABWE

42. The following information concerns efforts by Zimbabwe to implement the provisions of the Declaration on the Right to Development and the obstacle encountered therein.

43. Article 1. Zimbabwe has no specific piece of legislation in place which deals with the right to development; consequently, the right to development is not defined.

44. Article 2. The Constitution of Zimbabwe (chap. III) provides for, among other things, rights and freedoms of the individual. Consequently, individuals are theoretically free to promote and protect an appropriate political, social and economic order.

45. The Government of Zimbabwe has come up with development policies and legislation but there is an ongoing problem of implementation. For example:

(a) The Cooperative Societies Act, No. 6 of 1990 encourages and facilitates collective participation in development in the form of cooperatives. The Ministry of National Affairs, Employment Creation and Cooperatives assist cooperatives by providing management courses, but no direct financial assistance is offered. A cooperative bank might ensure the viability of cooperatives;

(b) The Manpower Planning and Development Act, No. 36 of 1984 provides for the establishment and maintenance of manpower training schemes and institutions;

(c) The Zimbabwe Manpower Development Fund is a fund set aside by Government to promote training programmes to students;

(d) The Zimbabwe Development Corporation Act, No. 37 of 1984 establishes a parastatal aimed to promote a balanced economy for Zimbabwe through investment whether by itself or jointly with other persons in the rural areas and in other areas of the economy;

(e) The Immovable Property (Prevention of Discrimination) Act, No. 19 of 1982 promotes development by protecting citizens from discrimination in respect of disposal of immovable property. The Act also prevents discrimination in granting of financial assistance in respect of immovable property;

(f) The Economic Structural Adjustment Programme has been formulated by Government in order to promote development by opening up the economy. However, quite a number of emerging businesses have failed to take off due to financial constraints arising from the tight monetary environment;

(g) The Land Acquisition Act, No. 3 of 1992 is an attempt by Government to distribute resources fairly through designation of land for resettlement purposes.

46. Articles 3 and 4. There is no specific legislation on the right to development. The Constitution of Zimbabwe provides for national conditions favourable to the realization of the right to development in general terms. Developing countries like Zimbabwe welcome the promotion of rapid development but at the same time they end up being marginalized by the big Powers. Although developed countries provide aid to developing countries, there are strings attached by the donor countries. Developed countries promote development through organizations like the Group of Seven (G7) and the European Economic Community.

47. Zimbabwe promotes favourable international and regional conditions by being a member of various development organizations like the Southern African Development Community, the Preferential Trade Area, the Community of East and Southern African States, (COMESA), the Commonwealth, the Non-Aligned Movement, the African Development Bank and its Fund, the International Monetary Fund and the World Bank, and it is a signatory of the Lomé Convention.

48. Article 5. Zimbabwe has no specific legislation on apartheid. The Constitution protects citizens from racism and racial discrimination and protects the sovereignty of Zimbabwe as a State.

49. Article 6. So far, the Constitution of Zimbabwe protects citizens' fundamental rights. The Labour Relations Act, section 5, protects employees from discrimination on the basis of sex, religion, place of origin, race and creed in the workplace. The Immovable Property (Prevention of Discrimination) Act, No. 19 of 1982, section 3, protects citizens from discrimination in respect of disposal of immovable property. On the issue of implementation, promotion and protection of civil rights, Zimbabwe has come up with various legislation and policies and is still working on implementation. Educational campaigns are necessary to sensitize citizens on their political, economic, social and cultural rights.

50. Article 7. Zimbabwe has no need to disarm. Zimbabwe assists in the maintenance of international peace and security. It has done so in Mozambique, Somalia, Rwanda and Lesotho.

51. Article 8. As indicated above, Zimbabwe has no specific legislation on the right to development but there are various pieces of legislation which deal with access to education, health services and food. The Education Act 1987, No. 5, as amended by the Education Amendment Act No. 26 of 1991, section 5, provides that primary school is compulsory and it is the duty of every parent to ensure that children attend primary school.

52. Assistance to development is also rendered by Government under the Social Dimensions of the Economic Structural Adjustment Programme. The programme consist of a Social Dimensions Fund (SDF) which is a fund set aside to cushion the effects of the Economic Reform Programme. Loans are offered to retrenchees so as to enable them to embark on developmental programmes. The SDF also offers:

(a) Education assistance catering for the payment of school fees for families earning less than Z$ 400 per month and who cannot afford the fees;

(b) Health assistance with the same conditions as above;

(c) Food security, involving disbursement of cash to the urban poor who can no longer afford to pay the new food prices.

53. Remarkable progress has been made in cushioning the effects of the Economic Reform Programme but unfortunately the SDF is no longer sustainable because of the growing number of retrenchees and a class of the new poor.

54. On housing, although the Government has come up with a policy of Housing for All by the Year 2000, there is currently a serious shortage of housing. The situation is worsened by the effects of the Economic Structural Adjustment Programme, as when people lose their jobs they are unable to pay rent and they are thrown out by landlords/ladies. Would-be house owners fail to pay their mortgages and consequently houses are auctioned by Building Societies and other financial institutions.

55. There is a high rate of unemployment in Zimbabwe. The Economic Structural Adjustment Programme has increased the level of unemployment. There is also a brain drain of professionals who have the necessary skills to assist in the development of the country.

56. There is unfair distribution of income. For instance, salaries in the public sector are about 172 per cent behind those of the private sector. Further, Zimbabweans pay high income tax which is not proportionate to their standard of living.

57. Measures are being taken to ensure that women have an active role in the development process. Legislation has been passed to enhance the status and rights of women, for instance, the Labour Relations Act (16/1985) and Legal Age of Majority Act, No. 15 of 1982. The Constitution of Zimbabwe is being amended so as to expressly provide for protection of women from discrimination on grounds of sex. However, there is need to educate and make women aware of their rights. The Ministry of National Affairs, Employment Creation and Cooperatives, in conjunction with various non-governmental organizations, has already embarked on educational campaigns.

58. General comment. As a general comment, at the national level Zimbabwe has come up with various sound and progressive policies to promote development. However, the problem lies in implementation of the various developmental programmes already in place.